

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SESSION LAW 2011-76
HOUSE BILL 193**

AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF TOPSAIL BEACH.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Topsail Beach, being Chapter 67, Session Laws of 1963, is amended by adding a new section to read:

"Sec. 23.1. **Recall.**

(a) The Mayor and members of the Board of Commissioners are subject to removal pursuant to this section. An officer is removed upon the filing of a sufficient recall petition and the affirmative vote of a majority of those voting on the question of removal at a recall election.

A recall petition shall be filed with the Town Clerk, who shall immediately forward the petition to the board of elections that conducts elections for the Town of Topsail Beach. A petition to recall the Mayor or a member of the Board of Commissioners shall bear the signatures equal in number to at least thirty percent (30%) of the registered voters of the Town of Topsail Beach.

The board of elections shall verify the petition signatures. If a sufficient recall petition is submitted, the board of elections shall certify its sufficiency to the governing body, and the governing body shall adopt a resolution calling for a recall election to be held at the same time as the next primary, general, or special election scheduled to be held more than 60 days after the petition has been certified to the governing body. The board of elections shall conduct the recall election, which shall be held as provided in G.S. 163-287. Each petition submitted shall contain the name of only one officer to be recalled. Multiple qualified petitions may be filed simultaneously with the Town Clerk, in which case the name of the officer on each petition, once certified, shall be included in the recall election. The proposition submitted to the voters shall be substantially in the following form:

[] FOR [] AGAINST

The recall of [name of officer].'

The registered voters of the Town of Topsail Beach are eligible to vote in an election to recall the Mayor or a member of the Board of Commissioners.

If less than a majority of the votes cast on the question are for the officer's recall, the officer continues in office. If a majority of the votes cast on the question are for the officer's recall, the officer is removed on the date the board of elections certifies the results of the election. A vacancy created by removal of a member of the Board of Commissioners or the Mayor shall be filled in accordance with the provisions of G.S. 160A-63. An officer who is removed may not be appointed or reappointed to any elective office of the town during the remainder of the unexpired term.

No petition to recall an officer may be filed during the first six months of the officer's term or during the six months before the expiration of the officer's term. No more than one election may be held to recall an officer within a single term of office of that officer.

(b) As used in this section 'Town Clerk' includes an officer of the town exercising the function of Town Clerk."



SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 16th day of May,

2011.

s/ Walter H. Dalton
President of the Senate

s/ Dale R. Folwell
Speaker Pro Tempore of the House of Representatives